

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MIGUEL ANGEL CASTILLO,

Petitioner,

v.

W. J. SULLIVAN, Warden,

Respondent.

Case No. [19-cv-06109-VKD](#)

ORDER OF TRANSFER

Mr. Miguel Angel Castillo, a state prisoner currently confined at the California Correctional Institution in Tehachapi, filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the lawfulness of his state conviction.¹ Dkt. No. 1. While venue for a habeas action is proper either in the district of confinement or the district of conviction, the district court in which the petition is filed may exercise its discretion to transfer the action to the district of conviction. 28 U.S.C. § 2241(d). Here, Mr. Castillo challenges his conviction by a state court located in Yolo County. Dkt. No. 1 at 1. Yolo County lies within the Eastern District of California. *See* 28 U.S.C. § 84(b). This District has adopted a local rule limiting venue for habeas actions challenging the lawfulness of a state conviction to those out of counties located in the Northern District of California. *See* Habeas L.R. 2254-3(a)(1); 28 U.S.C. § 84(a). Accordingly, in the exercise of its discretion, and in the furtherance of justice, the Court finds that this case should be transferred to the U.S. District Court for the Eastern District of California. *See* 28 U.S.C. § 1406(a); Habeas L.R. 2254-3(b)(1).

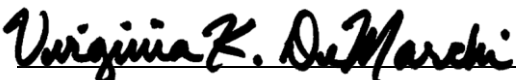
¹ Mr. Castillo has consented to magistrate judge jurisdiction. Dkt. No. 4.

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The Clerk shall terminate all pending motions and transfer the entire file to the Eastern District of California.

IT IS SO ORDERED.

Dated: October 24, 2019


VIRGINIA K. DEMARCHI
United States Magistrate Judge